

**AMENDMENT TO H.R. 7****OFFERED BY MS. EDWARDS OF MARYLAND**

At the end of title I, insert the following (and conform the table of contents accordingly):

**1     Subtitle H—Clean Construction****2     SEC. 1801. HIGHWAY CONSTRUCTION PROJECTS.**

3       (a) IN GENERAL.—Chapter 3 is amended by insert-  
4 ing after section 332 (as added by title III of this Act)  
5 the following:

**6     “§ 333. Construction equipment and vehicles**

7       “(a) DEFINITIONS.—In this section:

8           “(1) CHANGE ORDER.—The term ‘change  
9 order’ means a written document that—

10           “(A) modifies any provision of a contract  
11 to carry out a covered highway construction  
12 project; and

13           “(B) is issued by a State transportation  
14 department that is a party to that contract to  
15 implement a diesel emission control technology.

16       “(2) COVERED EQUIPMENT.—

17           “(A) IN GENERAL.—The term ‘covered  
18 construction equipment’ means any off-road  
19 diesel equipment and any on-road diesel equip-

1           ment that is operated on a covered highway  
2           construction project for not less than 80 hours  
3           over the life of the project.

4           “(B) EXCLUSIONS.—The term ‘covered  
5           construction equipment’ does not include—

6                   “(i) equipment with an engine that  
7                   meets or exceeds any particulate matter  
8                   emission standards for the applicable en-  
9                   gine power group issued by the Environ-  
10                  mental Protection Agency relating to par-  
11                  ticulate matter exhaust for new diesel en-  
12                  gines that are in effect on the date on  
13                  which the highway construction project  
14                  commences;

15                   “(ii) equipment with diesel exhaust  
16                   control technology that was installed dur-  
17                   ing the 6-year period ending on the date of  
18                   award of the contract for the covered high-  
19                   way construction project;

20                   “(iii) large cranes, such as Sky cranes  
21                   or Link Belt cranes, that are responsible  
22                   for critical lift operations, if the emission  
23                   control technology would adversely affect  
24                   lift capacity; and

1                   “(iv) additional or replacement equip-  
2                   ment brought on the job site after work  
3                   has commenced to prevent or remedy harm  
4                   to human beings or to address an emer-  
5                   gency.

6                   “(3) COVERED HIGHWAY CONSTRUCTION  
7 PROJECT.—

8                   “(A) IN GENERAL.—The term ‘covered  
9                   highway construction project’ means a Federal-  
10                  aid highway construction project carried out  
11                  under this title or any other Federal law.

12                  “(B) INCLUSIONS.—The term ‘covered  
13                  highway construction project’ includes—

14                   “(i) projects funded, in whole or in  
15                   part, by amounts from the Highway Trust  
16                   Fund; and

17                   “(ii) projects funded, in whole or in  
18                   part, by amounts from the general fund of  
19                   the Treasury.

20                  “(C) EXCLUSIONS.—Notwithstanding any  
21                  other provision of this paragraph, the term ‘cov-  
22                  ered highway construction project’ does not in-  
23                  clude a project with a total budgeted cost of  
24                  \$5,000,000 or less that an applicable State has  
25                  elected to exclude from treatment as a covered

1 highway construction project for purposes of  
2 this paragraph.

3 “(4) DIESEL EMISSION CONTROL TECH-  
4 NOLOGY.—

5 “(A) IN GENERAL.—Subject to subpara-  
6 graph (B), the term ‘diesel emission control  
7 technology’ means a technology that—

8 “(i) is—

9 “(I) a diesel exhaust control tech-  
10 nology;

11 “(II) a diesel engine upgrade;

12 “(III) a diesel engine repower; or

13 “(IV) an idle reduction control  
14 technology; and

15 “(ii) reduces PM<sub>2.5</sub> emissions from  
16 covered equipment by—

17 “(I) not less than 85 percent  
18 control of any emission of particulate  
19 matter; or

20 “(II) the maximum achievable re-  
21 duction of any emission of particulate  
22 matter.

23 “(B) CRITERIA.—

24 “(i) IN GENERAL.—To be considered  
25 a ‘diesel emission control technology’, the

1 technology described in subparagraph  
2 (A)(i) shall meet the criteria described in  
3 clauses (ii) through (v), as applicable.

4 “(ii) DIESEL EXHAUST CONTROL  
5 TECHNOLOGY.—For a diesel exhaust con-  
6 trol technology, the technology shall be—

7 “(I) installed on a diesel engine  
8 or vehicle;

9 “(II) included on a list of verified  
10 retrofit technologies maintained by  
11 the Environmental Protection Agency  
12 or the California Air Resources  
13 Board; and

14 “(III) certified by the installer as  
15 having been installed in accordance  
16 with the specifications included on the  
17 list referred to in subclause (II) for  
18 achieving a reduction in 1 or more air  
19 quality criteria for air pollutants  
20 under section 109 of the Clean Air  
21 Act (42 U.S.C. 7409).

22 “(iii) DIESEL ENGINE UPGRADE.—  
23 For a diesel engine upgrade, the upgrade  
24 shall be performed on an engine that is—

1 “(I) rebuilt using new compo-  
2 nents that collectively appear as a sys-  
3 tem, such as a kit, on a list of verified  
4 retrofit technologies maintained by  
5 the Environmental Protection Agency  
6 or the California Air Resources  
7 Board; and

8 “(II) certified by the installer to  
9 have been installed in accordance with  
10 the specifications included on the list  
11 referred to in subclause (I) for achiev-  
12 ing a reduction in 1 or more air qual-  
13 ity criteria for air pollutants under  
14 section 109 of the Clean Air Act (42  
15 U.S.C. 7409).

16 “(iv) DIESEL ENGINE REPOWER.—  
17 For a diesel engine repower, the repower  
18 shall be conducted using a new or remanu-  
19 factured diesel engine that—

20 “(I) is installed as a replacement  
21 for an engine used in the existing  
22 equipment, subject to the condition  
23 that the replaced engine is—

24 “(aa) used for scrap;

1 “(bb) permanently disabled;

2 or

3 “(cc) returned to the origi-  
4 nal manufacturer for remanufac-  
5 ture; and

6 “(II) meets more stringent emis-  
7 sions standards than the engine re-  
8 placed.

9 “(v) IDLE REDUCTION CONTROL  
10 TECHNOLOGY.—For an idle reduction con-  
11 trol technology, the technology shall be—

12 “(I) installed on a diesel engine  
13 or vehicle;

14 “(II) included on a list of verified  
15 retrofit technologies maintained by  
16 the Environmental Protection Agency  
17 or the California Air Resources  
18 Board; and

19 “(III) certified by the installer as  
20 having been installed in accordance  
21 with the specifications included on the  
22 list referred to in subclause (II) for  
23 achieving a reduction in 1 or more air  
24 quality criteria for air pollutants

1 under section 109 of the Clean Air  
2 Act (42 U.S.C. 7409).

3 “(5) ELIGIBLE ENTITY.—The term ‘eligible en-  
4 tity’ means an entity that has entered into a prime  
5 contract or agreement with a State to carry out a  
6 covered highway construction project.

7 “(6) OFF-ROAD DIESEL EQUIPMENT.—

8 “(A) IN GENERAL.—The term ‘off-road  
9 diesel equipment’ means a vehicle, including  
10 covered equipment, that is—

11 “(i) powered by a nonroad diesel en-  
12 gine of not less than 50 horsepower; and

13 “(ii) not intended for highway use.

14 “(B) INCLUSIONS.—The term ‘off-road  
15 diesel equipment’ includes a backhoe, bulldozer,  
16 compressor, crane, excavator, generator, and  
17 similar equipment.

18 “(C) EXCLUSIONS.—The term ‘off-road  
19 diesel equipment’ does not include a locomotive  
20 or marine vessel.

21 “(7) ON-ROAD DIESEL EQUIPMENT.—The term  
22 ‘on-road diesel equipment’ means any self-propelled  
23 vehicle that—

24 “(A) operates on diesel fuel;

1           “(B) is designed to transport persons or  
2           property on a street or highway; and

3           “(C) has a gross vehicle weight rating of at  
4           least 14,000 pounds.

5           “(8) PM<sub>2.5</sub> NONATTAINMENT OR MAINTENANCE  
6           AREA.—The term ‘PM<sub>2.5</sub> nonattainment or mainte-  
7           nance area’ means a nonattainment or maintenance  
8           area designated under section 107(d)(6) of the  
9           Clean Air Act (42 U.S.C. 7407(d)(6)).

10          “(b) HIGHWAY CONSTRUCTION PROJECTS FOR PM<sub>2.5</sub>  
11          NONATTAINMENT AND MAINTENANCE AREAS.—Subject  
12          to subsection (c)(2), all covered equipment used on a cov-  
13          ered highway construction project within a PM<sub>2.5</sub> non-  
14          attainment or maintenance area shall have installed and  
15          employ diesel emission control technology.

16          “(c) FUNDING FOR COSTS OF ACQUIRING AND IN-  
17          STALLING EMISSION CONTROL TECHNOLOGY.—

18          “(1) IN GENERAL.—The Secretary shall ap-  
19          prove as part of the Federal share of the cost of a  
20          covered highway construction project an amount  
21          equal to the amount required to be expended under  
22          paragraph (2) for the purpose of acquiring and in-  
23          stalling diesel emission control technology.

24          “(2) REQUIRED EXPENDITURE.—A State shall  
25          be in compliance with subsection (b) with respect to

1 a covered highway construction project, if, in order  
2 to comply with subsection (b), the State expends an  
3 amount that is equal to the lesser of—

4 “(A) 1 percent of the budgeted cost of the  
5 project; or

6 “(B) the amount necessary to install diesel  
7 emission control technology on all covered  
8 equipment used on the project.

9 “(3) USE OF CERTAIN AMOUNTS.—

10 “(A) IN GENERAL.—Notwithstanding any  
11 other provision of law, a State may obligate  
12 funds apportioned to that State under section  
13 104(b)(2) to meet the requirements of sub-  
14 section (b).

15 “(B) FEDERAL SHARE.—The Federal  
16 share of the cost of an activity carried out to  
17 meet the requirements of subsection (b) shall be  
18 100 percent if the activity is carried out using  
19 funds apportioned under section 104(b)(2).

20 “(C) STREAMLINED PROCESS.—A State  
21 may obligate funds under subparagraph (A)  
22 without regard to any process or other require-  
23 ment established under section 149.

24 “(d) IMPLEMENTATION.—

1           “(1) PLAN FOR ELIGIBLE ENTITIES.—As soon  
2           as practicable after the date on which a State  
3           awards a construction contract for a covered high-  
4           way construction project to an eligible entity, the eli-  
5           gible entity shall submit to the State a written plan  
6           that includes—

7                   “(A) an estimate of the quantity of equip-  
8                   ment that the eligible entity intends to operate  
9                   onsite;

10                   “(B) any relevant information on each  
11                   piece of equipment the eligible entity intends to  
12                   operate onsite, including—

13                           “(i) the vehicle serial number, identi-  
14                           fier, type, manufacturer, model, and model  
15                           year; and

16                           “(ii) the engine serial number, manu-  
17                           facturer, model, engine family, model year,  
18                           horsepower, and displacement;

19                   “(C) an estimate of the number of hours  
20                   that the eligible entity expects to operate each  
21                   piece of equipment onsite;

22                   “(D) the options for modifying any covered  
23                   equipment to employ diesel emission control  
24                   technology, including—

1 “(i) an itemized estimate of the rea-  
2 sonable expected cost of modifying each  
3 piece of covered equipment to reduce the  
4 emissions of that equipment;

5 “(ii) a reasonable estimate of the  
6 emission reduction that would directly re-  
7 sult from each modification;

8 “(iii) a reasonable estimate of the  
9 time required to perform each modifica-  
10 tion; and

11 “(iv) a reasonable estimate of the im-  
12 pact that each modification would have on  
13 the schedule of the covered highway con-  
14 struction project; and

15 “(E) at the discretion of the eligible entity,  
16 the options for modifying equipment that is not  
17 covered equipment to employ diesel emission  
18 control technology, including the estimates re-  
19 quired under clauses (i), (ii), (iii), and (iv) of  
20 subparagraph (D).

21 “(2) SUPPLEMENTAL PLAN FOR SUBCONTRAC-  
22 TORS.—If the total estimated cost of the modifica-  
23 tions described in paragraph (1)(D) that is sub-  
24 mitted by an eligible entity to a State in accordance  
25 with paragraph (1) is less than the amount required

1 to be expended by the eligible entity under sub-  
2 section (c)(2)(A), the eligible entity shall submit to  
3 the State a supplemental written plan that includes,  
4 with respect to the equipment that a subcontractor  
5 of the eligible entity intends to operate onsite, the  
6 information required to be submitted under para-  
7 graph (1).

8 “(3) BIDDER REQUIREMENTS.—By change  
9 order and in accordance with the requirements and  
10 procedures of this subsection, a State shall require  
11 the successful bidder of a covered highway construc-  
12 tion project to install and use diesel emission control  
13 technology on the pieces of covered equipment se-  
14 lected by the State as having the greatest potential  
15 of meeting the requirements of subsection (b).

16 “(4) STRUCTURE OF CHANGE ORDER.—A State  
17 may structure a change order as the State deter-  
18 mines to be necessary, if the State determines that  
19 the change order does not—

20 “(A) materially delay the commencement  
21 of construction of the covered highway con-  
22 struction project;

23 “(B) materially increase the time required  
24 to carry out the covered highway construction  
25 project;

1           “(C) cause any material interruption of the  
2 covered highway construction project;

3           “(D) increase any risk to the safety or  
4 health of any construction worker of the cov-  
5 ered highway construction project; or

6           “(E) result in the successful bidder for the  
7 covered highway construction project recovering  
8 less than 100 percent of the cost of purchase  
9 and installation of each diesel emission control  
10 technology.

11       “(e) SAVINGS CLAUSE.—Nothing in this section  
12 modifies or otherwise affects any authority or restrictions  
13 established under the Clean Air Act (42 U.S.C. 7401 et  
14 seq.).”.

15       (b) APPLICABILITY.—Section 333 of title 23, United  
16 States Code, as added by this section, shall apply to each  
17 highway construction project that is initiated, as deter-  
18 mined by the Secretary, after the date that is 30 days  
19 after the date of enactment of this subtitle.

20       (c) TECHNICAL AMENDMENT.—The analysis for  
21 chapter 3 is amended by inserting after the item relating  
22 to section 332 (as added by title III of this Act) the fol-  
23 lowing:

“Sec. 333. Construction equipment and vehicles.”.

1   **SEC. 1802. PUBLIC TRANSPORTATION CONSTRUCTION**  
2                   **PROJECTS.**

3       (a) IN GENERAL.—Chapter 53 of title 49, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6   **“§ 5341. Construction equipment and vehicles**

7       “(a) DEFINITIONS.—In this section:

8           “(1) CHANGE ORDER.—The term ‘change  
9 order’ means a written document that—

10               “(A) modifies any provision of a contract  
11 to carry out a covered public transportation  
12 construction project; and

13               “(B) is issued by a recipient that is a  
14 party to that contract to implement a diesel  
15 emission control technology.

16       “(2) COVERED EQUIPMENT.—

17           “(A) IN GENERAL.—The term ‘covered  
18 construction equipment’ means any off-road  
19 diesel equipment and any on-road diesel equip-  
20 ment that is operated on a covered public trans-  
21 portation construction project for not less than  
22 80 hours over the life of the project.

23           “(B) EXCLUSIONS.—The term ‘covered  
24 construction equipment’ does not include—

25               “(i) equipment with an engine that  
26 meets or exceeds any particulate matter

1 emission standards for the applicable en-  
2 gine power group issued by the Environ-  
3 mental Protection Agency relating to par-  
4 ticulate matter exhaust for new diesel en-  
5 gines that are in effect on the date on  
6 which the public transportation construc-  
7 tion project commences;

8 “(ii) equipment with a diesel exhaust  
9 control technology that was installed dur-  
10 ing the 6-year period ending on the date of  
11 award of the contract for the covered pub-  
12 lic transportation construction project;

13 “(iii) large cranes, such as Sky cranes  
14 or Link Belt cranes, that are responsible  
15 for critical lift operations, if the emission  
16 control technology would adversely affect  
17 lift capacity; and

18 “(iv) additional or replacement equip-  
19 ment brought on the job site after work  
20 has commenced to prevent or remedy harm  
21 to human beings or to address an emer-  
22 gency.

23 “(3) COVERED PUBLIC TRANSPORTATION CON-  
24 STRUCTION PROJECT.—

1           “(A) IN GENERAL.—The term ‘covered  
2           public transportation construction project’  
3           means a project that receives Federal funding  
4           for the construction of a public transportation  
5           facility.

6           “(B) INCLUSIONS.—The term ‘covered  
7           public transportation construction project’ in-  
8           cludes—

9                   “(i) projects funded, in whole or in  
10                   part, by amounts from the Mass Transit  
11                   Account of the Highway Trust Fund; and

12                   “(ii) projects funded, in whole or in  
13                   part, by amounts from the general fund of  
14                   the Treasury.

15           “(C) EXCLUSIONS.—Notwithstanding any  
16           other provision of this paragraph, the term ‘cov-  
17           ered public transportation construction project’  
18           does not include a project with a total budgeted  
19           cost of \$5,000,000 or less that an applicable re-  
20           cipient has elected to exclude from treatment as  
21           a covered public transportation construction  
22           project for purposes of this paragraph.

23           “(4) DIESEL EMISSION CONTROL TECH-  
24           NOLOGY.—

1           “(A) IN GENERAL.—Subject to subpara-  
2           graph (B), the term ‘diesel emission control  
3           technology’ means a technology that—

4           “(i) is—

5           “(I) a diesel exhaust control tech-  
6           nology;

7           “(II) a diesel engine upgrade;

8           “(III) a diesel engine repower; or

9           “(IV) an idle reduction control  
10          technology; and

11          “(ii) reduces PM<sub>2.5</sub> emissions from  
12          covered equipment by—

13          “(I) not less than 85 percent  
14          control of any emission of particulate  
15          matter; or

16          “(II) the maximum achievable re-  
17          duction of any emission of particulate  
18          matter.

19          “(B) CRITERIA.—

20          “(i) IN GENERAL.—To be considered  
21          a ‘diesel emission control technology’, the  
22          technology described in subparagraph  
23          (A)(i) shall meet the criteria described in  
24          clauses (ii) through (v), as applicable.

1                   “(ii) DIESEL EXHAUST CONTROL  
2 TECHNOLOGY.—For a diesel exhaust con-  
3 trol technology, the technology shall be—

4                   “(I) installed on a diesel engine  
5 or vehicle;

6                   “(II) included on a list of verified  
7 retrofit technologies maintained by  
8 the Environmental Protection Agency  
9 or the California Air Resources  
10 Board; and

11                   “(III) certified by the installer as  
12 having been installed in accordance  
13 with the specifications included on the  
14 list referred to in subclause (II) for  
15 achieving a reduction in 1 or more air  
16 quality criteria for air pollutants  
17 under section 109 of the Clean Air  
18 Act (42 U.S.C. 7409).

19                   “(iii) DIESEL ENGINE UPGRADE.—  
20 For a diesel engine upgrade, the upgrade  
21 shall be performed on an engine that is—

22                   “(I) rebuilt using new compo-  
23 nents that collectively appear as a sys-  
24 tem, such as a kit, on a list of verified  
25 retrofit technologies maintained by

1 the Environmental Protection Agency  
2 or the California Air Resources  
3 Board; and

4 “(II) certified by the installer to  
5 have been installed in accordance with  
6 the specifications included on the list  
7 referred to in subclause (I) for achiev-  
8 ing a reduction in 1 or more air qual-  
9 ity criteria for air pollutants under  
10 section 109 of the Clean Air Act (42  
11 U.S.C. 7409).

12 “(iv) DIESEL ENGINE REPOWER.—  
13 For a diesel engine repower, the repower  
14 shall be conducted using a new or remanu-  
15 factured diesel engine that—

16 “(I) is installed as a replacement  
17 for an engine used in the existing  
18 equipment, subject to the condition  
19 that the replaced engine is—

20 “(aa) used for scrap;

21 “(bb) permanently disabled;

22 or

23 “(cc) returned to the origi-  
24 nal manufacturer for remanufac-  
25 ture; and

1 “(II) meets more stringent emis-  
2 sions standards than the engine re-  
3 placed.

4 “(v) IDLE REDUCTION CONTROL  
5 TECHNOLOGY.—For an idle reduction con-  
6 trol technology, the technology shall be—

7 “(I) installed on a diesel engine  
8 or vehicle;

9 “(II) included on a list of verified  
10 retrofit technologies maintained by  
11 the Environmental Protection Agency  
12 or the California Air Resources  
13 Board; and

14 “(III) certified by the installer as  
15 having been installed in accordance  
16 with the specifications included on the  
17 list referred to in subclause (II) for  
18 achieving a reduction in 1 or more air  
19 quality criteria for air pollutants  
20 under section 109 of the Clean Air  
21 Act (42 U.S.C. 7409).

22 “(5) ELIGIBLE ENTITY.—The term ‘eligible en-  
23 tity’ means an entity that has entered into a prime  
24 contract or agreement with a recipient to carry out  
25 a covered public transportation construction project.

1 “(6) OFF-ROAD DIESEL EQUIPMENT.—

2 “(A) IN GENERAL.—The term ‘off-road  
3 diesel equipment’ means a vehicle, including  
4 covered equipment, that is—

5 “(i) powered by a nonroad diesel en-  
6 gine of not less than 50 horsepower; and

7 “(ii) not intended for highway use.

8 “(B) INCLUSIONS.—The term ‘off-road  
9 diesel equipment’ includes a backhoe, bulldozer,  
10 compressor, crane, excavator, generator, and  
11 similar equipment.

12 “(C) EXCLUSIONS.—The term ‘off-road  
13 diesel equipment’ does not include a locomotive  
14 or marine vessel.

15 “(7) ON-ROAD DIESEL EQUIPMENT.—The term  
16 ‘on-road diesel equipment’ means any self-propelled  
17 vehicle that—

18 “(A) operates on diesel fuel;

19 “(B) is designed to transport persons or  
20 property on a street or highway; and

21 “(C) has a gross vehicle weight rating of at  
22 least 14,000 pounds.

23 “(8) PM<sub>2.5</sub> NONATTAINMENT OR MAINTENANCE  
24 AREA.—The term ‘PM<sub>2.5</sub> nonattainment or mainte-  
25 nance area’ means a nonattainment or maintenance

1 area designated under section 107(d)(6) of the  
2 Clean Air Act (42 U.S.C. 7407(d)(6)).

3 “(9) RECIPIENT.—The term ‘recipient’ means  
4 an entity that receives Federal funding to carry out  
5 a covered public transportation construction project.

6 “(b) PUBLIC TRANSPORTATION CONSTRUCTION  
7 PROJECTS FOR PM<sub>2.5</sub> NONATTAINMENT AND MAINTENANCE AREAS.—Subject to subsection (c)(2), all covered  
8 equipment used on a covered public transportation construction project within a PM<sub>2.5</sub> nonattainment or maintenance area shall have installed and employ diesel emission  
9 control technology.

13 “(c) FUNDING FOR COSTS OF ACQUIRING AND INSTALLING EMISSION CONTROL TECHNOLOGY.—

15 “(1) IN GENERAL.—The Secretary shall approve as part of the Federal share of the cost of a  
16 covered public transportation construction project an  
17 amount equal to the amount required to be expended  
18 under paragraph (2) for the purpose of acquiring  
19 and installing diesel emission control technology.

21 “(2) REQUIRED EXPENDITURE.—A recipient  
22 shall be in compliance with subsection (b) with respect to a covered public transportation construction  
23 project if, in order to comply with subsection (b), the  
24

1       recipient expends an amount that is equal to the  
2       lesser of—

3               “(A) 1 percent of the budgeted cost of the  
4       project; or

5               “(B) the amount necessary to install emis-  
6       sion control technology on all covered equip-  
7       ment used on the project.

8       “(3) USE OF CERTAIN AMOUNTS.—

9               “(A) IN GENERAL.—Notwithstanding any  
10      other provision of law, a State may obligate  
11      funds apportioned to that State under section  
12      104(b)(2) of title 23 to meet the requirements  
13      of subsection (b).

14              “(B) FEDERAL SHARE.—The Federal  
15      share of the cost of an activity to meet the re-  
16      quirements of subsection (b) shall be 100 per-  
17      cent if the activity is carried out using funds  
18      apportioned under section 104(b)(2) of title 23.

19              “(C) STREAMLINED PROCESS.—A State  
20      may obligate funds under subparagraph (A)  
21      without regard to any process or other require-  
22      ment established under section 149 of title 23.

23      “(d) IMPLEMENTATION.—

24              “(1) PLAN FOR ELIGIBLE ENTITIES.—As soon  
25      as practicable after the date on which a recipient

1       awards a construction contract for a covered public  
2       transportation construction project to an eligible en-  
3       tity, the eligible entity shall submit to the recipient  
4       a written plan that includes—

5               “(A) an estimate of the quantity of equip-  
6       ment that the eligible entity intends to operate  
7       onsite;

8               “(B) any relevant information on each  
9       piece of equipment the eligible entity intends to  
10      operate onsite, including—

11              “(i) the vehicle serial number, identi-  
12      fier, type, manufacturer, model, and model  
13      year; and

14              “(ii) the engine serial number, manu-  
15      facturer, model, engine family, model year,  
16      horsepower, and displacement;

17              “(C) an estimate of the number of hours  
18      that the eligible entity expects to operate each  
19      piece of equipment onsite;

20              “(D) the options for modifying any covered  
21      equipment to employ diesel emission control  
22      technology, including—

23              “(i) an itemized estimate of the rea-  
24      sonable expected cost of modifying each

1 piece of covered equipment to reduce the  
2 emissions of that equipment;

3 “(ii) a reasonable estimate of the  
4 emission reduction that would directly re-  
5 sult from each modification;

6 “(iii) a reasonable estimate of the  
7 time required to perform each modifica-  
8 tion; and

9 “(iv) a reasonable estimate of the im-  
10 pact that each modification would have on  
11 the schedule of the covered public trans-  
12 portation construction project; and

13 “(E) at the discretion of the eligible entity,  
14 the options for modifying equipment that is not  
15 covered equipment to employ diesel emission  
16 control technology, including the estimates re-  
17 quired under clauses (i), (ii), (iii), and (iv) of  
18 subparagraph (D).

19 “(2) SUPPLEMENTAL PLAN FOR SUBCONTRAC-  
20 TORS.—If the total estimated cost of the modifica-  
21 tions described in paragraph (1)(D) that is sub-  
22 mitted by an eligible entity to a recipient in accord-  
23 ance with paragraph (1) is less than the amount re-  
24 quired to be expended by the eligible entity under  
25 subsection (c)(2)(A), the eligible entity shall submit

1 to the recipient a supplemental written plan that in-  
2 cludes, with respect to the equipment that a subcon-  
3 tractor of the eligible entity intends to operate on-  
4 site, the information required to be submitted under  
5 paragraph (1).

6 “(3) BIDDER REQUIREMENTS.—By change  
7 order and in accordance with the requirements and  
8 procedures of this subsection, a recipient shall re-  
9 quire the successful bidder of a covered public trans-  
10 portation construction project to install and employ  
11 diesel emission control technology on the pieces of  
12 covered equipment selected by the recipient as hav-  
13 ing the greatest potential of meeting the require-  
14 ments of subsection (b).

15 “(4) STRUCTURE OF CHANGE ORDER.—A re-  
16 cipient may structure a change order as the recipi-  
17 ent determines to be necessary, if the recipient de-  
18 termines that the change order does not—

19 “(A) materially delay the commencement  
20 of construction of the covered public transpor-  
21 tation construction project;

22 “(B) materially increase the time required  
23 to carry out the covered public transportation  
24 construction project;

1           “(C) cause any material interruption of the  
2           covered public transportation construction  
3           project;

4           “(D) increase any risk to the safety or  
5           health of any construction worker of the cov-  
6           ered public transportation construction project;  
7           or

8           “(E) result in the successful bidder for the  
9           covered public transportation construction  
10          project recovering less than 100 percent of the  
11          cost of purchase and installation of each diesel  
12          emission control technology.

13          “(e) SAVINGS CLAUSE.—Nothing in this section shall  
14          be construed to modify or otherwise affect any authority  
15          or restriction established under the Clean Air Act (42  
16          U.S.C. 7401 et seq.).”.

17          (b) APPLICABILITY.—Section 5341(b) of title 49,  
18          United States Code, as added by this section, shall apply  
19          to each public transportation construction project that is  
20          initiated, as determined by the Secretary, after the date  
21          that is 30 days after the date of enactment of this subtitle.

22          (c) CLERICAL AMENDMENT.—The analysis for chap-  
23          ter 53 of title 49, United States Code, is amended by add-  
24          ing at the end the following:

          “5341. Construction equipment and vehicles.”.

1   **SEC. 1803. REPORT TO CONGRESS.**

2       (a) IN GENERAL.—Not later than 1 year after the  
3   date of enactment of this subtitle, the Secretary shall sub-  
4   mit to the Committee on Transportation and Infrastruc-  
5   ture of the House of Representatives, the Committee on  
6   Environment and Public Works of the Senate, and the  
7   Committee on Banking, Housing, and Urban Affairs of  
8   the Senate a report that describes the manners by which  
9   section 333 of title 23, United States Code (as added by  
10   section 1801 of this subtitle) and section 5341 of title 49,  
11   United States Code (as added by section 1802 of this sub-  
12   title) have been implemented, including the quantity of  
13   covered equipment serviced under those sections and the  
14   costs associated with servicing the covered equipment.

15       (b) INFORMATION FROM STATES.—The Secretary  
16   shall require States and recipients, as a condition of re-  
17   ceiving amounts under this subtitle or under the provisions  
18   of any amendments made by this subtitle, to submit to  
19   the Secretary any information that the Secretary deter-  
20   mines necessary to complete the report under subsection  
21   (a).

22   **SEC. 1804. PROCESS FOR STATES.**

23       Not later than 1 year after the date of enactment  
24   of this subtitle, the Secretary and the Administrator of  
25   the Environmental Protection Agency shall establish,  
26   jointly, a streamlined process to ensure that States may—

1           (1) quantify the emissions reductions achieved  
2           under this subtitle, including the amendments made  
3           by this subtitle;

4           (2) include such emissions reductions in State  
5           implementation plans required under section 110 of  
6           the Clean Air Act (42 U.S.C. 7410) to help dem-  
7           onstrate progress toward, attainment of, or mainte-  
8           nance of national ambient air quality standards; and

9           (3) include such emission reductions in con-  
10          formity determinations required under section 176  
11          of the Clean Air Act (42 U.S.C. 7506):

